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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,047	04/27/2001	Ashley Thomas Dudding	715P129	1471

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CHICAGO, IL 60606

EXAMINER

NGUYEN, LONG B

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/28/2002

#9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,047

Applicant(s)

DUDDING ET AL.

Examiner

Long B Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-44 and 60-65 is/are allowed.
- 6) ☒ Claim(s) 45-48, 53 and 54 is/are rejected.
- 7) ☒ Claim(s) 49-52 and 55-60 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Keeler et al.

With respect to claim 45, Keeler et al. disclose a plate 27 in Figures 9-10 for a fabricated vehicle axle comprising a first head portion 63 having a first king pin bore 28 extending through it, a second head portion 63 having a second king pin bore 28 extending through it, and a body portion 61 positioned between the first head portion and the second head portion 63. Applicant claims the plate to be a bottom plate. However, applicant has not claim any structural components that would limit the use of the plate to the bottom.

With respect to claim 46, Keeler et al. disclose a bottom plate further comprising a first, second, third, and fourth bends along with a first and second transition periods.

With respect to claim 47, Keeler et al. disclose a plate having a constant thickness in line 10, column 6.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 48 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keeler et al.

With respect to claim 48, Keeler et al. do not specify a constant thickness within the range of twelve to sixteen millimeters.

However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the thickness of plate such as Keeler et al. within the range of twelve to sixteen millimeters because a thicker plate would withstand a greater stress or load on the axle.

With respect to claims 53-54, Keeler et al. do not specify a plate with a minimum distance from the center of the first king pin bore to the closest edge of the bottom plate to be at least forty millimeters or approximately forty-five millimeters.

However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a plate such as Keeler et al. with a thickness of at least forty millimeters or approximately forty-five millimeters because an increase in the thickness of the plate would further strengthen and stiffen the axle which would allow the axle to withstand a great load.

Allowable Subject Matter

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5. Claims 1-44 and 60-65 are allowed.

6. Claims 49-52 and 55-~~60~~⁵⁹ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Urschel (2,218,127), Urschel (2,148,714), and Mogford et al. are cited to show axles in general.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long B Nguyen whose telephone number is 703.305.5201. The examiner can normally be reached on M-F with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703.308.0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.305.5201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

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lbn

August 25, 2002

Long Bao Nguyen 8/26/02

**LONG BAO NGUYEN
PATENT EXAMINER**